IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4763 of 2007

Mr.Everest D'Souza .. Petitioner

versus

Mrs.Joyce E. D'Souza .. Respondent

...

Mr.Samji Joseph for the petitioner.

Ms.Bhavna Shah for the respondent.

CORAM : D.G. KARNIK, J

DATED : 30th August 2007.

P.C.:

1. Heard learned counsel for the petitioner.

2. By this petition, the petitioner challenges the order dated 20th July 2006 passed below Exhibit-30 by the Family Court in Petition no.A-1623 of 2003 as also the order dated 5th December 2006 dismissing an application for review of the first mentioned order.

3. The petitioner is the husband and respondent is the wife. It appears that there is a dispute between the petitioner and respondent regarding the alimony. Some orders regarding the payment of alimony were passed by this court and thereafter by consent of the parties by the family court. It is not necessary to go into the controversy regarding the same. Suffice it to say that by an order dated 20th July 2006, learned Judge of the family court directed as follows :-

> "Therefore, under the facts and circumstances of the case, considering the amount to be recovered, the respondent (i.e. petitioner herein) is granted two months time beginning from today to clear the arrears due from him, else further necessary legal consequences shall follow. Ordered accordingly."

4. The petitioner was granted two months time to clear the arrears. I see no error in the order passed by the Family Court directing the husband to clear the arrears within two months, in which it is clearly observed that in case of failure legal consequences shall follow.

5. As regards the review application, the Family Court has rightly relied upon the decision of this Court rendered in Re-Prakash Shivajirao Deshmukh, 2004(2) Mh.L.J. 939 wherein the grounds of review have been explained. No grounds for review were made out. In the circumstances, learned Judge was right in rejecting the Review Petition.

6. There is no merit in the Writ Petition which is hereby rejected summarily.

(D.G. KARNIK, J)